General Assembly

Distr.: General
16 February 2001

Fifty-fifth session
Agenda item 124

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/55/709)*]

55/223. United Nations common system: report of the International Civil Service Commission

The General Assembly,

Having considered the report of the International Civil Service Commission for the year 2000[1] and the statement submitted by the Secretary-General on the administrative and financial implications of the decisions and recommendations contained in the report of the Commission,[2]

Reaffirming its commitment to a single unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system,

Convinced that the common system constitutes the best instrument to secure staff of the highest standards of efficiency, competence and integrity for the international civil service, as stipulated under the Charter of the United Nations,

Reaffirming the central role of the Commission in the regulation and coordination of the conditions of service of the United Nations common system,

Reaffirming also the statute of the Commission,

I

Conditions of service applicable to both categories of staff

A. Framework for human resources management

Recalling its resolutions 51/216 of 18 December 1996, 52/216 of 22 December 1997, 53/209 of 18 December 1998 and 54/238 of 23 December 1999,

1. *Welcomes with appreciation* the work of the Commission with regard to the integrated framework for human resources management, which would assist organizations of the common system to carry forward human resources management reforms;

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 30* (A/55/30).
[2] A/55/629.

2. *Endorses* the conclusions of the Commission as contained in paragraph 19 of its report;[1]

3. *Requests* the Commission to use the integrated framework as a guide to its future programme of work as contained in paragraph 18 of its report;[1]

4. *Encourages* the organizations of the United Nations common system to use the integrated framework as a basis for their future work in human resources policies and procedures and to bring it to the attention of their governing bodies;

B. Standards of conduct for the international civil service

Recalling its resolutions 52/252 of 8 September 1998 and 54/238,

Takes note of the decisions of the Commission contained in paragraph 31 of its report,[1] urges organizations to reach consensus on the draft standards of conduct for the international civil service in sufficient time so as to enable the Commission to finalize the text to be submitted to the General Assembly at its fifty-sixth session, and emphasizes that the proposed standards should ensure that the staff uphold the principles of integrity, impartiality and independence;

C. Review of pay and benefits system

Recalling its resolutions 51/216, 52/216 and 53/209,

1. *Takes note* of the work of the Commission in respect of the review of the pay and benefits system in the context of the integrated framework for human resources management;

2. *Takes note also* of the decision of the Commission to move forward with the review of the pay and benefits system in accordance with the modalities described in annex III to its report;[1]

D. Recognition of language knowledge

Recalling section II.E of its resolution 48/224 of 23 December 1993 and section II.B of its resolution 53/209,

Takes note of the decision of the Commission to address the issue of recognition of language knowledge within the context of the comprehensive review of the pay and benefits system;

E. Education grant

Recalling section III.C of its resolution 54/238, by which it requested the Commission to complete the review of the methodology for the education grant and report the results to the General Assembly at its fifty-fifth session,

1. *Takes note* of the decisions and recommendations of the Commission in respect of the review of the methodology for the education grant as contained in paragraph 81 of its report;[1]

2. *Urges* the organizations of the United Nations common system to harmonize their rules and regulations to ensure that the education grant is treated as a benefit payable to internationally recruited staff with expatriate status only;

1. *Notes* that the margin between the net remuneration of United Nations staff in grades P-1 to D-2 in New York and that of officials in comparable positions in the United States federal civil service for 2000 is 113.3, based on the results of the grade equivalency study between the United Nations and the United States carried out in 2000;

2. *Also notes* from annex V to the report of the Commission that the United Nations/United States remuneration ratios range from 119.9 at the P-2 level to 105.5 at the D-2 level, and considers that this imbalance should be addressed in the context of the overall margin considerations established by the General Assembly;

D. Base/floor salary scale

Recalling section I.H of its resolution 44/198, by which it established a floor net salary level for staff in the Professional and higher categories by reference to the corresponding base net salary levels of officials in comparable positions serving at the base city of the comparator civil service (the United States federal civil service),

1. *Approves*, with effect from 1 March 2001, the revised base scale of gross and net salaries for staff in the Professional and higher categories, contained in the annex to the present resolution;

2. *Requests* the Commission, in the context of the review of the pay and benefits system, to review the firm linkage between the base/floor salary scale and the mobility and hardship allowance;

E. Dependency allowances

Recalling section II.F, paragraph 2, of its resolution 47/216 of 23 December 1992, in which it noted that the Commission would review the level of dependency allowances every two years,

Recalling also section I.F, paragraph 4, of its resolution 53/209, in which it requested the Commission to examine the methodology, rationale and scope of the allowances,

Noting that the review of dependency allowances carried out by the Commission reflected relevant changes in tax abatement and social legislation at the seven headquarters duty stations since 1998,

1. *Takes note* of the decision of the Commission with regard to the methodology, rationale and scope of the allowances;

2. *Approves*, with effect from 1 January 2001, an increase of 11.89 per cent in the children's allowance, including that for disabled children, and in the secondary dependant's allowance;

3. *Takes note* of the updated list of hard-currency duty stations for which the allowances are specified in local currency, as contained in annex VIII to the report of the Commission;[1]

4. *Notes* that dependency allowances payable to eligible United Nations common system staff should be reduced by the amount of any direct payments received from a Government in respect of dependants;

F. Post adjustment matters

Recalling its request in section II.G of its resolution 48/224 regarding the conduct of place-to-place surveys at headquarters duty stations,

1. *Welcomes* the review of the operation of the post adjustment system carried out by the Commission;

2. *Takes note* of the decisions reached by the Commission as contained in paragraph 157 of its report;[1]

III

Conditions of service of the General Service and other locally recruited categories

A. Survey of best prevailing conditions of employment in New York and Montreal

Recalling section II.A of its resolution 52/216, in which it reaffirmed that the Flemming principle should continue to serve as the basis for determining the conditions of service of the General Service and related categories and endorsed the revised methodology for surveys of best prevailing conditions of employment for these categories,

Takes note of the results of the salary surveys conducted in New York and Montreal, as reported in chapter V of the report of the Commission;[1]

B. Review of the headquarters salary survey methodology: decisions of the International Labour Organization Administrative Tribunal regarding the phasing out of the language factor in Rome and Vienna

Recalling section III, paragraph 2, of its resolution 47/216 and section II.E of its resolution 48/224,

Takes note of the decision of the Commission with regard to the treatment of the language factor, as contained in paragraph 192 of its report;[1]

IV

Strengthening the international civil service

Decides to defer consideration of the reports of the Secretary-General[3] with a view to taking a decision on strengthening the international civil service at the first part of its resumed fifty-fifth session.

89th plenary meeting
23 December 2000

[3] A/55/526 and A/54/483.

Annex

Salary scale for staff in the Professional and higher categories showing annual gross salaries and net equivalents after application of staff assessment[a]

(United States dollars)

Effective 1 March 2001

		Steps														
Levels		*I*	*II*	*III*	*IV*	*V*	*VI*	*VII*	*VIII*	*IX*	*X*	*XI*	*XII*	*XIII*	*XIV*	*XV*
Under-Secretary-General																
USG	Gross	167 035														
	Net D	113 762														
	Net S	102 379														
Assistant Secretary-General																
ASG	Gross	151 840														
	Net D	104 341														
	Net S	94 484														
Director																
D-2	Gross	124 384	127 132	129 877	132 623	135 369	138 115									
	Net D	87 318	89 022	90 724	92 426	94 129	95 831									
	Net S	80 218	81 645	83 072	84 498	85 925	87 352									
Principal Officer																
D-1	Gross	109 894	112 245	114 598	116 944	119 297	121 648	124 002	126 352	128 702						
	Net D	78 334	79 792	81 251	82 705	84 164	85 622	87 081	88 538	89 995						
	Net S	72 407	73 687	74 967	76 245	77 525	78 796	80 018	81 240	82 460						
Senior Officer																
P-5	Gross	96 705	98 832	100 961	103 089	105 216	107 342	109 471	111 598	113 724	115 853	117 982	120 106	122 234		
	Net D	70 157	71 476	72 796	74 115	75 434	76 752	78 072	79 391	80 709	82 029	83 349	84 666	85 985		
	Net S	65 176	66 385	67 545	68 703	69 862	71 018	72 177	73 335	74 493	75 651	76 809	77 966	79 101		
First Officer																
P-4	Gross	79 780	81 733	83 680	85 627	87 579	89 527	91 571	93 645	95 723	97 795	99 869	101 947	104 019	106 095	108 171
	Net D	59 255	60 544	61 829	63 114	64 402	65 688	66 974	68 260	69 548	70 833	72 119	73 407	74 692	75 979	77 266
	Net S	55 180	56 364	57 543	58 722	59 902	61 080	62 259	63 439	64 617	65 796	66 949	68 082	69 210	70 340	71 470
Second Officer																
P-3	Gross	65 388	67 220	69 053	70 880	72 714	74 544	76 373	78 206	80 038	81 868	83 700	85 529	87 361	89 191	91 089
	Net D	49 756	50 965	52 175	53 381	54 591	55 799	57 006	58 216	59 425	60 633	61 842	63 049	64 258	65 466	66 675
	Net S	46 445	47 556	48 669	49 780	50 892	52 002	53 113	54 225	55 335	56 447	57 555	58 663	59 770	60 877	61 985
Associate Officer																
P-2	Gross	53 129	54 632	56 132	57 633	59 135	60 692	62 332	63 967	65 606	67 244	68 879	70 520			
	Net D	41 253	42 335	43 415	44 496	45 577	46 657	47 739	48 818	49 900	50 981	52 060	53 143			
	Net S	38 694	39 675	40 653	41 633	42 611	43 592	44 587	45 580	46 577	47 571	48 564	49 561			
Assistant Officer																
P-1	Gross	41 189	42 633	44 075	45 519	46 960	48 403	49 847	51 290	52 731	54 174					
	Net D	32 656	33 696	34 734	35 774	36 811	37 850	38 890	39 929	40 966	42 005					
	Net S	30 805	31 763	32 720	33 677	34 633	35 590	36 548	37 493	38 434	39 375					

D = Rate applicable to staff members with a dependent spouse or child.

S = Rate applicable to staff members with no dependent spouse or child.

[a] This scale will be implemented in conjunction with a consolidation of 5.1 per cent of post adjustment. There will be consequential adjustments in post adjustment indices and multipliers at all duty stations effective 1 March 2001. Thereafter, changes in post adjustment classifications will be implemented on the basis of the movements of the consolidated post adjustment indices.

General Assembly

Distr.: General
20 February 2001

Fifty-fifth session
Agenda item 125

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/55/703)*]

55/224. United Nations pension system

The General Assembly,

Recalling its resolutions 51/217 of 18 December 1996 and 53/210 of 18 December 1998, and section V of its resolution 54/251 of 23 December 1999,

Having considered the report of the United Nations Joint Staff Pension Board for 2000 to the General Assembly and to the member organizations of the United Nations Joint Staff Pension Fund,[1] the report of the Secretary-General on the investments of the Fund[2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

I

Actuarial matters

Recalling section I of its resolution 53/210,

Having considered the results of the valuation of the United Nations Joint Staff Pension Fund as at 31 December 1999 and the observations thereon of the Consulting Actuary of the Fund, the Committee of Actuaries and the United Nations Joint Staff Pension Board,[4]

1. *Takes note with satisfaction* of the improvement in the actuarial situation of the United Nations Joint Staff Pension Fund, from an actuarial surplus of 0.36 per cent of pensionable remuneration as at 31 December 1997 to an actuarial surplus of 4.25 per cent of pensionable remuneration as at 31 December 1999, and, in particular, of the opinions provided by the Consulting Actuary and the Committee of Actuaries, as reproduced in annexes IV and V, respectively, to the report of the United Nations Joint Staff Pension Board;[1]

2. *Takes note* of the decision of the Board, in accordance with article 11 (*a*) of the Regulations of the Fund, to lower the interest rate used to determine lump-sum

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 9* (A/55/9).
[2] A/C.5/55/3.
[3] A/55/481.
[4] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 9* (A/55/9), sect. III.A.

commutations, from the current 6.5 per cent to 6 per cent, with respect to contributory service performed as from 1 January 2001;

3. *Takes note also* that the Board has established a working group to undertake a fundamental review of the benefit provisions of the Fund, taking into account developments in staffing and remuneration policies in the member organizations and in pension arrangements at the national and international levels, and to make proposals to the Standing Committee of the Board in 2001 and subsequently to the Board in 2002, on the future long-term needs of the Fund and its constituent groups, for eventual submission by the Board to the General Assembly at its fifty-seventh session;

4. *Takes note further* of the observations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 8 of its report;[3]

5. *Concurs* with the Transfer Agreement with the World Trade Organization, approved by the Board under article 13 of the Regulations of the Fund, with a view to securing continuity of pension rights between the Fund and the World Trade Organization, as set out in annex VII to the report of the Board;[1]

6. *Takes note* of the intention of the Board and the International Bank for Reconstruction and Development to pursue a new transfer agreement in the light of the changes made in the pension plan of the Bank and of the interim procedures that will be followed until a new agreement is concluded;

II

Pension adjustment system

Recalling section II of its resolution 53/210,

Having considered the reviews carried out by the United Nations Joint Staff Pension Board, as set out in paragraphs 186 to 200 of its report,[1] of various aspects of the pension adjustment system,

1. *Takes note* of the results of the monitoring of the costs/savings of recent modifications of the two-track feature of the pension adjustment system and the intention of the United Nations Joint Staff Pension Board to continue to monitor those costs/savings every two years, on the occasion of the actuarial valuations of the Fund;

2. *Approves* changes in the pension adjustment system, as set out in annex I to the present resolution:

(*a*) To lower the threshold for implementing cost-of-living adjustments of pensions in award from 3 per cent to 2 per cent, with effect from the adjustment due on 1 April 2001;

(*b*) To modify, provisionally, paragraphs 4 and 5 of the provisions of the pension adjustment system, in order to implement Judgement No. 942 of the United Nations Administrative Tribunal, as described in section X, paragraphs 263 to 272, of the report of the Board,[1] pending possible future proposals made by the Board to the General Assembly for changes in the pension adjustment system as regards adjustments of deferred retirement benefits;

III

Financial statements of the United Nations Joint Staff Pension Fund and report of the Board of Auditors

Having considered the financial statements of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 1999, the audit opinion and report of the Board of Auditors thereon, the information provided on the internal audits of the Fund and the observations of the United Nations Joint Staff Pension Board,[1]

1. *Notes with satisfaction* that the report of the Board of Auditors on the accounts of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 1999 indicated that the financial statements presented fairly, in all respects, the financial position of the Fund and that the transactions tested as part of the audit were, in all significant respects, in accordance with the Financial Regulations of the United Nations and legislative authority;

2. *Takes note* of the observations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 13 of its report;[3]

IV

Longer-term administrative arrangements of the United Nations Joint Staff Pension Fund

Recalling section VII of its resolution 51/217, section V of its resolution 52/222, section V of its resolution 53/210 and section V of its resolution 54/251 concerning the administrative arrangements and expenses of the United Nations Joint Staff Pension Fund,

Having considered section VI of the report of the United Nations Joint Staff Pension Board,[1] on the longer-term administrative arrangements of the Fund,

1. *Takes note* of the information, set out in paragraphs 117 to 154 of the report of the United Nations Joint Staff Pension Board,[1] on the strategic plan for the operations of the United Nations Joint Staff Pension Fund, which addresses computer systems, process re-engineering and technological improvements, the progress report on the enhancement of the role of the Geneva office of the Fund, the delegation of personnel and procurement decisions to the Fund and office space needs;

2. *Welcomes* the efforts under way to effect improvements in the administrative operations of the Fund through greater use of the latest developments in information technology, including electronic exchanges of information between the Fund and its member organizations, as well as with participants and beneficiaries of the Fund, using Internet/Intranet web sites;

3. *Requests* the Standing Committee of the Board, in submitting the budget proposals of the Fund for the biennium 2002-2003 and, if necessary, revised estimates for the current biennium, to provide detailed information on the costs and benefits related to phase I and phase II of the project, including timetables and the prioritizing of the various initiatives;

V

Entitlement to survivors' benefits for spouses and former spouses

Recalling paragraph 4 of section VIII of its resolution 51/217 and section VI of its resolution 53/210,

Having considered the further review undertaken by the United Nations Joint Staff Pension Board of issues related to the pension entitlements of spouses and former spouses, as set out in paragraphs 155 to 185 of its report,[1]

1. *Approves* the amendment to article 35 bis of the Regulations of the United Nations Joint Staff Pension Fund, as set out in annex II to the present resolution, which would extend the provision for a divorced surviving spouse's benefit to divorced spouses of former participants who separated before 1 April 1999 and who meet all the other eligibility conditions in subparagraph (*b*) of article 35 bis;

2. *Also approves* the amendment to article 34 of the Regulations of the Fund, as set out in annex II to the present resolution, which would restore the surviving spouse's benefit that had been eliminated for those who had remarried prior to 1 April 1999, subject to recovery (with interest) of the lump-sum payment made at the time of remarriage;

3. *Further approves* an amendment to article 45 of the Regulations of the Fund, as set out in annex II to the present resolution, which would modify the payment facility approved in resolution 53/210 along the lines set out in paragraphs 172 to 177 of the report of the United Nations Joint Staff Pension Board;[1]

4. *Approves*, with effect from 1 April 2001, the amendment to article 34 (*b*) of the Regulations of the Fund, as set out in annex II to the present resolution, which would eliminate the partial commutation option for participants electing to receive a deferred retirement benefit for the reasons set out in paragraphs 178 to 183 of the report of the Board;[1]

5. *Takes note* of the responses to the arrangements approved in resolution 53/210 for the optional purchase of surviving spouses' benefits, on cost-neutral terms, in respect of marriage after separation from service;

6. *Requests* the Board to continue to monitor the experience with these issues and to report thereon to the General Assembly at its fifty-seventh session;

7. *Also requests* the Board to replace the study of benefits for domestic partnerships, as referred to in paragraphs 184 and 185 of its report,[1] with a study on the existing rules and practices governing entitlements to survivors' pension benefits in international organizations, and to report thereon to the General Assembly at its fifty-seventh session;

VI

Status of the proposed agreement between the United Nations Joint Staff Pension Board and the Government of the Russian Federation

Recalling section IV of its resolution 51/217 and section III of its resolution 53/210,

Noting the information provided by the United Nations Joint Staff Pension Board in paragraphs 201 to 232 of its report[1] and the additional information contained in official communications from the Government of the Russian Federation to the Chief Executive Officer of the Fund after the fiftieth session of the Board,

1. *Takes note* of the information provided by the Government of the Russian Federation on internal solutions being prepared with a view to addressing the concerns of Russian former participants in the United Nations Joint Staff Pension Fund;

2. *Appreciates* the efforts of the Board in addressing this issue;

VII

Other matters

1. *Takes note* of the observations of the United Nations Joint Staff Pension Board, as set out in paragraphs 233 to 240 of its report,[1] on the review and conclusions reached by the International Civil Service Commission on the changes in average tax rates at the seven headquarters duty stations which formed the basis for the development of the current common scale of staff assessment for pensionable remuneration;

2. *Also takes note* of the review of the size and composition of the Board and the Standing Committee of the United Nations Joint Staff Pension Board and, in particular, the provisional allocation of the seat vacated by the former Interim Commission for the International Trade Organization effected upon the termination of its membership in the United Nations Joint Staff Pension Fund as at 31 December 1998, as described in paragraphs 241 to 252 of the report of the Board;[1]

3. *Notes* that a further review of the size and composition of the Board and the Standing Committee will be undertaken in the first instance by the Standing Committee in 2001 and subsequently by the Board in 2002, addressing the issues set out in paragraph 252 of the report of the Board;[1]

4. *Approves*, with effect from 1 January 2001, an amendment to article 6 of the Regulations of the Fund, as set out in annex II to the present resolution, which would set the terms of office for the elected members and alternate members of the United Nations Staff Pension Committee at four years, instead of the current three years;

5. *Also approves*, with effect from 1 January 2001, an amendment to article 14 of the Regulations of the Fund, as set out in annex II to the present resolution, which would set the frequency for audits of the operations of the Fund to be annual and for audit reports on the accounts of the Fund by the Board of Auditors to be submitted to the General Assembly every two years, instead of annually;

6. *Further approves*, with effect from 1 January 2001, an amendment to article 43 of the Regulations of the Fund, as set out in annex II to the present resolution, which would provide for the recovery of indebtedness to the Fund pursuant to observations made by the Board of Auditors and to the comments thereon by the Board, for the reasons given in paragraphs 257 to 262 of the report of the Board;[1]

7. *Takes note* of the consequent amendment that would be made to administrative rule J.9 (*a*) of the Fund, as set out in paragraph 261 of the report of the Board;[1]

VIII

Investments of the United Nations Joint Staff Pension Fund

1. *Takes note* of the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund,[2] as well as the observations of the United Nations Joint Staff Pension Board thereon in its report;[1]

2. *Expresses its appreciation* to the Secretary-General and to the members of the Investments Committee for the investment performances of the Fund, which contributed significantly to the actuarial surplus of the Fund as at 31 December 1999;

3. *Requests* the Secretary-General to continue to explore investment possibilities by the Fund in the developing countries, taking into consideration General Assembly resolutions 36/119 A to C of 10 December 1981, and to report thereon to the Assembly at its fifty-seventh session;

4. *Takes note* of the observations of the Board of Auditors on the outstanding tax refunds due to the Fund from some Member States in respect of direct taxes imposed on the investment income of the Fund, as set out in paragraphs 20 to 24 of its report, which is reproduced in annex III to the report of the Board;[1]

5. *Urges once again* those Member States which have outstanding balances on foreign tax accounts receivable to provide the reimbursement due to the Fund;

6. *Reiterates its request* to those Member States which do not grant tax exemptions to make all possible efforts to do so as soon as possible.

89th plenary meeting
23 December 2000

Annex I

Changes in the pension adjustment system of the United Nations Joint Staff Pension Fund

1. At the beginning of paragraph 4, after the words "Except as otherwise noted", add the following phrase within parentheses: "(e.g., in paragraphs 5 (*d*), 10 and 27 below with regard to deferred retirement benefits)."

2. In paragraph 5, add the following new subparagraph (*d*):

"(*d*) The cost-of-living differential factor in subparagraph 5 (*b*) (i) above shall not apply to deferred retirement benefits."

3. In paragraph 18, replace the words "3 per cent" with the words "2 per cent".

Annex II

Amendments to the Regulations of the United Nations Joint Staff Pension Fund

Article 6
Staff pension committees

In paragraph (*b*), replace the words "three years" with the words "four years."

Article 14
Annual report and audit

Replace paragraph (*b*), with the following:

"(*b*) There shall be annual audits of the operations of the Fund, in a manner agreed between the United Nations Board of Auditors and the Board. An audit report on the accounts of the Fund shall be made every two years by the United Nations Board of Auditors; a copy of the audit report shall be included in the report under (*a*) above."

Article 30
Deferred retirement benefit

Replace paragraph (*c*) with the following:

"(*c*) The benefit may be commuted by the participant into a lump sum if the rate of the benefit at the normal retirement age is less than 300 dollars. Such commutation shall be equivalent to the full actuarial value of the benefit."

Article 34
Widow's benefit

1. In paragraph (*b*), delete the following phrase at the end of the paragraph:

", or had commuted a deferred retirement benefit under article 30 (*c*)".

2. Add the following new paragraph (*h*):

"(*h*) Notwithstanding the provisions of (*a*) and (*f*) above, with respect to a surviving spouse who had remarried prior to 1 April 1999 the benefit under (*a*) above shall be payable as from 1 January 2001, subject to recovery (with interest) of the lump sum payment that had been made to that surviving spouse upon remarriage, as provided for in the Regulations then in effect."

Article 35 bis
Divorced surviving spouse's benefit

Add the following new paragraph (*e*):

"(*e*) The divorced spouse of a former participant who separated before 1 April 1999 and, in the opinion of the Chief Executive Officer of the Fund, met all the other eligibility conditions in (*a*) and (*b*) above shall be entitled as from 1 April 1999 to a benefit equal to twice the minimum surviving spouse's benefit under article 34 (*c*), subject to the proviso that the amount of such benefit cannot exceed the amount payable to a surviving spouse of the former participant."

Article 43
Recovery of indebtedness to the Fund

Add the following text at the end of the article:

", including interest and costs, where appropriate."

Article 45
Non-assignability of rights

Replace the text of article 45 with the following:

"(*a*) A participant or beneficiary may not assign his or her rights under these Regulations. Notwithstanding the foregoing, the Fund may, to satisfy a legal obligation on the part of a participant or former participant arising from a marital or parental relationship and evidenced by an order of a court or by a settlement agreement incorporated into a divorce or other court order, remit a portion of a benefit payable by the Fund to such participant for life to one or more former spouses and/or a current spouse from whom the participant or former participant is living apart. Such payment shall not convey to any person a benefit entitlement from the Fund or (except as provided herein) provide any rights under the Regulations of the Fund to such person or increase the total benefits otherwise payable by the Fund.

"(*b*) To be acted upon, the requirement under the court order must be consistent with the Regulations of the Fund, as determined by the Chief Executive Officer of the Fund to be beyond any reasonable doubt, and on the basis of the available evidence. Once implemented, the assignment shall normally be irrevocable; however, a participant or former participant may request, upon satisfactory evidence based on a court order or a provision of a settlement agreement incorporated into a court decree, a new decision by the Chief Executive Officer that would alter or discontinue the payment or payments. Furthermore, such payment or payments shall cease following the death of the participant or former participant. If a designee predeceases the participant or former participant, the payments shall not commence, or if they have commenced, shall cease upon the designee's death. In the event that the payment or payments have been diminished, discontinued, or have failed to commence or have ceased, the amount of the benefit payable to the participant or former participant shall be duly adjusted."